

Business Legal Help Centre

We've assisted businesses in virtually every stage of development. Although each unique case requires a one-on-one consultation, we've compiled a list of frequently asked questions below.

What is a trademark?

Trademark registration gives one entity exclusive rights to words, symbols and designs, or combinations of these. Registration protects the sole use of trademarks within Canada renewable in 15-year increments. The Canadian Trade-Marks Act defines a trademark as "a mark that is used by a person for the purpose of distinguishing or so as to distinguish wares or services manufactured, sold, leased, hired or performed by him from those manufactured, sold, leased, hired or performed by others."

What are the benefits of Incorporation?

The main advantages to Incorporation are shareholder liability limitation and reduced tax requirements for Canadian controlled private corporations. In Ontario, a Canadian controlled private corporation is taxed at half the rate of non-Canadian businesses on the first \$200,000 of income. This is substantially below the personal tax rate sole proprietors pay. To discuss the pros and cons of incorporation for your business, please contact our legal counsel.

What is necessary to establish a sole proprietorship?

A sole proprietorship exists when any individual conducts business under either a business or personal name. Sole Proprietorships registry is required with the Ministry of Consumer and Commercial Relations. The business owner is personally responsible for all business liabilities including those incurred by employees. Tax implications vary from business to business. Please discuss your unique situation with our legal counsel.

What are the benefits of Partnerships?

Partnerships exist when any two or more people conduct business with one common profit. Although a formal written contract is not required, Partnership registration is necessary with the Ministry of Consumer and Commercial Relations. Each partner is fully liable for the debts and profit incurred in General Partnerships. However, Limited Partnerships reduce individual liability. When developing a Partnership, we

recommend working with legal counsel to negotiate a binding agreement that outlines liability share, dissolution requirements, capital generation methods, and profit distribution as well as other critical business terms.

What should be considered when evaluating executive compensation?

Executive compensation is not only a critical company evaluation tool for management prospects, but is also a valuable investment measurement. When developed effectively, executive compensation packages maximize retention and provide favorable tax benefits. These packages typically include base salary, annual incentive, long-term capital accumulation, deferred compensation arrangements, supplemental benefits, special severance and retirement arrangement, employment and control change agreements.

Who will be my lawyer?

Your case will be assigned to Mike McArthur, Thomas A. Cline, John A. Backus, Jamie Pereira or Maria Vanderspek